

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context by QCC, Inc.

DOCKET NO. 991359-TI  
ORDER NO. PSC-00-0239-PAA-TI  
ISSUED: February 7, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION  
ORDER TO REFUND INTEREST AND OVERCHARGES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On December 12, 1990, QCC, Inc. (QCC) was granted IXC Certificate No. 2483. On February 1, 1999, Rule 25-24.630, Florida Administrative Code, Rate and Billing Requirements, was amended to cap rates from pay telephones or a call aggregator context to \$.30 per minute plus the operator charge. On August 9, 1999, our staff reviewed QCC's tariff for compliance with Rule 25-24.630 and found that QCC's tariffed rates appeared to exceed the rate cap. The company's tariff, which became effective October 17, 1996, included an operator dialed surcharge and a pay phone surcharge that appeared to be prohibited by the current rate cap rule. Therefore, staff sent QCC a certified letter and requested additional information. QCC responded on August 25, 1999.

DOCUMENT NUMBER-DATE

01640 FEB-78

FPSC-RECORDS/REPORTING

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In its response QCC stated that, since February 1, 1999, when Rule 25-24.630, Florida Administrative Code, was revised, 308 customers were overcharged a total of \$479.55. QCC calculated that \$30.88 in interest was owed on that amount for a total of \$510.43. The company also removed the surcharges and ceased billing customers for the surcharges. QCC proposes to credit customer bills beginning March 1, 2000, and ending April 30, 2000, for overcharging customers from pay telephones and motels/hotels between February 1 and August 12, 1999. The refunds would be made through credits to customers' bills beginning March 1, 2000. At the end of the refund period, any amount not refunded, including interest, would be remitted to us and forwarded to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Chapter 364.285(1), Florida Statutes. In addition, QCC would file a report consistent with Rule 25-4.114, Florida Administrative Code, with us once all monies have been refunded. We find QCC's proposal appropriate and accept it.

In accordance with Section 364.285, Florida Statutes, we are authorized to impose upon any entity subject to our jurisdiction a penalty of not more than \$25,000, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364. We find that QCC promptly complied with our staff's requests by removing the unauthorized surcharges, providing accurate refund information, and submitting a plan to reimburse customers without undue delay. Because of QCC's cooperation and compliance, we find that the company's conduct does not warrant the initiation of show cause proceedings.

Therefore, it is

ORDERED by the Florida Public Service Commission that QCC, Inc.'s offer to refund is approved as set forth in the body of this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

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ORDERED that in the event no persons whose substantial interests are affected files a timely protest, this Docket shall remain open until the refund is properly completed and the final report is received by the Commission. After these tasks are completed, the docket shall be closed upon issuance of a Consummating Order.

By ORDER of the Florida Public Service Commission this 7th day of February, 2000.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

MKS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 28, 2000.

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In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

M E M O R A N D U M

~~January 26, 2000~~

February 4

RECEIVED-PPSC ✓

00 FEB -4 PM 2:40

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (STERN) MKS BK

RE: DOCKET NO. 991359-TI - INVESTIGATION AND DETERMINATION OF  
APPROPRIATE METHOD FOR REFUNDING INTEREST AND OVERCHARGES  
ON INTRASTATE 0+ CALLS MADE FROM PAY TELEPHONES AND IN A  
CALL AGGREGATOR CONTEXT BY QCC, INC.

0239-PAA

Attached is an ORDER TO REFUND INTEREST AND OVERCHARGES to be  
issued in the above-referenced docket. (Number of pages in order  
- 4)

MKS/sa  
Attachment  
cc: Division of Telecommunications (Isler)  
I:991359pa.mks

Ordered - 2/10  
mailed - \_\_\_\_\_